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March 18, 2009 House Testimony
HB 4341

I. Introductory Comments

- thank chair and members of committee
- brief personal introduction [attorney and co-owner of the bosco]

II. Smokefree air is essential for the bar/restaurant industry

A. Health

This is no longer a debate that secondhand smoke is deadly.

B. Government Regulation

Some oppose smoke-free air because they say it is “excessive government regulation”, but this is an industry which is nothing if not regulated.

- i. **State of MI Owns and Operates a Monopoly** on the sale and distribution of liquor – there is no greater regulation than operating a monopoly.

- ii. **Health Regulations (designed to protect public health) are Endless**

- 1. Storage location restrictions
 - 2. Time restrictions
 - 3. Temperature restrictions
 - 4. Staffing Restrictions (i.e. employee w/diarrhea must be sent home).

-If we are so concerned about the public health that we go so far to avoid a tummy ache...how can we allow customers to give each other cancer?

- iii. **Liquor Control Regulations are Astonishing**

- 1. Require dressing rooms for entertainers [Admin 436.1413]

2. Servers are banned from “mingling” with customers
[Admin 436.1417]

3. Liquor license must be framed under a transparent material [Admin Rule 436.1015].

→The point is that our industry works under countless regulations every second of every day. Why do we prevent mingling and mandate picture frames, but allow customers to kill each other and their servers?

→This is about good regulation; not regulation per se...and the government has an obligation to protect the health of its citizens.

C. Harm to Business if smoke-free air is not passed

This is not just about the public health or government regulation. This is about business. Our hospitality industry is failing. Our growth is the worst in the nation...50 out of 50. We must change now.

i. Receipts increase with smoke-free air.

1. We are only increasing the number of potential customers by cleaning the air for all.

→only difference is that smokers will now take a few steps outside to smoke...is that such a horrible burden?

2. NYC saw an 8.7% increase in business.

3. For those concerned about gambling (as we know the big push to block this comes from gaming)...Delaware saw a \$5.7 million increase in gaming after smoke-free air.

4. Even Virginia (which actually grows tobacco) has implemented a partial ban.

→What are we waiting for?

→Who are we protecting? It certainly isn't MI citizens or business

ii. Level Playing Field

1. This positive effect is only felt when all play by the same rules. That is why the government needs to act.
2. We cannot continue to be the worst in the nation. A vote against smoke free air is a vote to keep our hospitality industry in the dark ages and kill MI jobs.
→ There is no other means to increase the potential customer base in MI. This will create revenue. This will create jobs.

III. Conclusion

We must pass HB 4341. This is not about banning cigarettes. This is about asking a smoker to please step outside to smoke. One person's laziness should not be the death of his neighbor. Smokers learned to adapt on airplanes and are learning to adapt in bars/restaurants around the country.

The science is clear. The regulation is warranted. The business need is essential. We must create more customers to support a faltering hospitality industry. We must stop playing political games. How can we ban "mingling" while calling smoke-free air "excessive government regulation"? How can we mandate where eggs are stored...for "the good of the public health", but allow smokers' ultimate comfort to rule over public health?

We are not in Nevada. We are not in tobacco row. It's time to protect our citizens and our businesses...We must do it now.